

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT LAMON POLK, a/k/a Lil Tony,

Defendant.

Case No. 2:16-cr-00055-KJD-NJK

ORDER

This matter is before the Court on Defendant Robert Lamon Polk's ("defendant") Motion to Reconsider re: 12 (doc. # 17), filed April 27, 2016, and the government's response (doc. # 18), filed May 3, 2016. Defendant did not file a reply.

Defendant moves the Court to reconsider its prior detention order (doc. # 12) based on previously unknown information. Defendant explains that there was a delay in discovery in this matter, which justifies his release from custody.

The government, in response, asks the Court to deny defendant's motion because the issue of detention was determined prior to defendant receiving any discovery in this matter, and a delay in discovery due to the U.S. Attorney's office relocation is insufficient to affect the Court's decision regarding detention. Defendant did not file a reply.

The Bail Reform Act of 1984 ("Act"), 18 U.S.C. § 3141, et seq., requires the release of a defendant facing trial under the least restrictive condition, or combination of conditions, that would reasonably assure his or her appearance at trial and the safety of the community. See United States v. Gebro, 948 F.2d 1118, 1121 (9th Cir. 1991). A magistrate judge has the authority to modify pretrial release conditions while remaining mindful that such conditions continue to satisfy the goals of the Act to reasonably assure a defendant's appearance at his or her trial and the safety of the community.

1 See 18 U.S.C. § 3142(f) to (g); 18 U.S.C. § 3142(c)(3) (“The judicial officer may at any time amend
2 the order to impose additional or different conditions of release.”); 28 U.S.C. § 636(a)(2) (magistrate
3 judge is empowered to “issue orders pursuant to section 3142 of title 18 concerning release or
4 detention of persons pending trial”). In ensuring that the goals of the Act are satisfied, a magistrate
5 judge is guided by 18 U.S.C. § 3142(f), which requires a defendant to establish that new information
6 exists that was not known to him or her at the time of the initial detention hearing, and that this new
7 information is material to his or her release conditions regarding flight or dangerousness. 18 U.S.C.
8 § 3142(f).

9 The Court agrees with the government that the information presented is inadequate to support
10 a reconsideration of this Court’s prior detention order. Indeed, the Court finds that the information
11 presented is immaterial to a determination of whether defendant is a flight risk and a danger to the
12 community. Given such, this Court denies the instant request.

13 Accordingly, **IT IS HEREBY ORDERED** that defendant’s Motion to Reconsider re: 12 (doc.
14 # 17) is **denied**.

15 DATED: May 18, 2016

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18 C.W. Hoffman, Jr.
19 United States Magistrate Judge
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